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NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 34
BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

PROFESSIONAL COUNSELORS

TABLE OF CONTENTS

TABLE OF CONTENTS	2
SUBCHAPTER 10. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE	6
13:34-10.1 Purpose and scope	6
13:34-10.2 Definitions.....	6
13:34-10.3 Scope of practice; professional counselor and associate counselor	9
SUBCHAPTER 11. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS	9
13:34-11.1 (Reserved).....	9
13:34-11.2 Professional counselor: application and educational requirements.....	9
13:34-11.3 Professional counselor: experience requirements.....	11
13:34-11.4 Professional counselor: examination requirements	12
13:34-11.5 Associate counselor: application and educational requirements	13
13:34-11.6 Associate counselor: examination requirements	15
13:34-11.7 Payment of licensing fee; abandonment of application.....	15
13:34-11.8 Professional counselor: credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces.....	15
13:34-11.9 Associate counselor: credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces.....	17
SUBCHAPTER 12. PROFESSIONAL COUNSELORS: LICENSURE BY ENDORSEMENT	18
13:34-12.1 Licensure by endorsement	18
SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION.....	19
13:34-13.1 Supervisor qualifications; supervisor responsibilities	19
13:34-13.2 Responsibilities of licensed associate counselors	22
13:34-13.3 Supervised professional counseling experience acquired prior to application.....	22
13:34-13.4 (Reserved).....	23
SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS.....	23
13:34-14.1 Specialty designations	23
13:34-14.2 Clinical mental health counselor	24
SUBCHAPTER 15. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CONTINUING EDUCATION	25
13:34-15.1 License renewal and continuing education requirement.....	25

13:34-15.2 Contact-hour requirements for licensed professional counselors	25
13:34-15.3 Contact-hour requirements for licensed professional counselors with a specialty permit	26
13:34-15.4 Approval of courses or programs	26
13:34-15.5 Continuing education credits and contact-hour calculation	29
13:34-15.6 Documentation of continuing education credit	29
13:34-15.7 Waiver of continuing education requirements	30
SUBCHAPTER 16. (RESERVED)	31
SUBCHAPTER 17. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: FEES	31
13:34-17.1 Fees	31
SUBCHAPTER 18. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY	32
13:34-18.1 Preparation and maintenance of client records	32
13:34-18.2 Use of personal or other computer to prepare client records	34
13:34-18.3 Access to copy of client record	35
13:34-18.4 Access by a managed health care plan to information in client record	36
13:34-18.5 Confidentiality	36
13:34-18.6 Minors	38
13:34-18.7 Transfer or disposal of records	38
SUBCHAPTER 19. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE	39
13:34-19.1 Posting of practice authorization and notification of availability of fee information	39
13:34-19.2 Notification of change of address or name; service of process; duty to notify	39
13:34-19.3 Sexual misconduct	40
13:34-19.4 Real estate arrangements	42
13:34-19.5 License renewal; active/inactive status	42
13:34-19.6 Reinstatement	43
SUBCHAPTER 20. REHABILITATION COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE	44
13:34-20.1 Purpose and scope	44
13:34-20.2 Definitions	45
13:34-20.3 Scope of practice; rehabilitation counselor	48
SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS. 48	
13:34-21.1 (Reserved)	48
13:34-21.2 Rehabilitation counselor: application and educational requirements	48
13:34-21.3 Rehabilitation counselor: experience requirements	50

13:34-21.4 Rehabilitation counselor: examination requirements.....	51
13:34-21.5 Payment of licensing fee; abandonment of application.....	51
13:34-21.6 Rehabilitation counselor: credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces.....	51
SUBCHAPTER 22. (RESERVED)	53
SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION.....	53
13:34-23.1 Supervisor qualifications; supervisor responsibilities	53
13:34-23.2 Responsibilities of supervisee.....	55
13:34-23.3 Supervised rehabilitation counseling experience acquired prior to application.....	56
13:34-23.4 (Reserved).....	56
SUBCHAPTER 24. REHABILITATION COUNSELORS: CONTINUING EDUCATION.....	56
13:34-24.1 License renewal and continuing education requirement.....	56
13:34-24.2 Contact-hour requirements for licensed rehabilitation counselors.....	57
13:34-24.3 Approval of courses or programs	58
13:34-24.4 Continuing education credits and contact-hour calculation	59
13:34-24.5 Documentation of continuing education credit	60
13:34-24.6 Waiver of continuing education requirements	61
SUBCHAPTER 25. (RESERVED)	61
SUBCHAPTER 26. REHABILITATION COUNSELORS: FEES.....	61
13:34-26.1 Fees.....	61
SUBCHAPTER 27. REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY.....	62
13:34-27.1 Preparation and maintenance of client records.....	62
13:34-27.2 Use of personal or other computer to prepare client records.....	64
13:34-27.3 Access to copy of client record	65
13:34-27.4 Access by a managed health care plan to information in client record	66
13:34-27.5 Confidentiality	66
13:34-27.6 Minors.....	68
13:34-27.7 Transfer or disposal of records	68
SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE....	69
13:34-28.1 Posting of practice authorization and notification of availability of fee information	69
13:34-28.2 Notification of change of address or name; service of process; duty to notify	69
13:34-28.3 Sexual misconduct	70
13:34-28.4 Real estate arrangements.....	72
13:34-28.5 License renewal; active/inactive status.....	72

13:34-28.6 Reinstatement	73
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**SUBCHAPTER 29. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND
REHABILITATION COUNSELORS: ADVERTISING 74**

13:34-29.1 Definitions.....	74
13:34-29.2 Advertising; general requirements.....	75
13:34-29.3 Minimum content.....	75
13:34-29.4 Use of professional credentials and certifications	76
13:34-29.5 Prohibited types or methods of advertising.....	77
13:34-29.6 Retention of advertisements	77

**SUBCHAPTER 30. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND
REHABILITATION COUNSELORS: BUSINESS PRACTICES; PROFESSIONAL CONDUCT 77**

13:34-30.1 Financial arrangements with clients.....	77
13:34-30.2 Clients served by others	78
13:34-30.3 Multiple clients	78
13:34-30.4 Conflicts of interest; dual relationships.....	79
13:34-30.5 Termination of services	79
13:34-30.6 Prohibition on solicitation; unethical referrals and kickbacks.....	79

**SUBCHAPTER 31. PROFESSIONAL COUNSELORS: CUSTODY/PARENTING TIME EVALUATIONS
AND/OR TERMINATION OF PARENTAL RIGHTS EVALUATIONS..... 80**

13:34-31.1 PURPOSE AND SCOPE	80
13:34-31.2 DEFINITIONS	80
13:34-31.3 QUALIFICATIONS.....	80
13:34-31.4 DUAL RELATIONSHIPS.....	81
13:34-31.5 COMMUNICATIONS	82
13:34-31.6 REQUIRED DISCLOSURES	82
13:34-31.7 FEES.....	82
13:34-31.8 REPORTS AND RECOMMENDATIONS	83

SUBCHAPTER 10.

PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE

13:34-10.1 PURPOSE AND SCOPE

- a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of counseling, as defined in N.J.A.C. 13:34-10.2, within the State of New Jersey.
- b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render counseling services, as defined in N.J.A.C. 13:34-10.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.
- c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as a professional or associate counselor.

13:34-10.2 DEFINITIONS

The following words and terms, as used in N.J.A.C. 13:34-10 through 19, shall have the following meanings, unless the context clearly indicates otherwise.

"Counseling" means the application of mental health and human development principles in order to:

1. Facilitate human development and adjustment throughout the lifespan;
2. Clinically assess and evaluate, using currently accepted diagnostic classifications including, but not limited to, the DSM-IV, 4th ed., c1994, and future editions of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, incorporated by reference as amended and supplemented, (obtainable from the American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901), mental, emotional, behavioral and associated distresses which interfere with mental health and development;
3. Conduct assessments and evaluations for the purpose of establishing goals and objectives; and

4. Plan, implement and evaluate counseling interventions.

"Counseling interventions" means services specifically implemented in the context of a professional counseling relationship. Counseling interventions include, but are not limited to, developmental, preventive, facilitative and crisis intervention.

"Counseling procedures" means methods and techniques that may be performed only by a licensed professional counselor or a licensed associate counselor under supervision pursuant to the provisions of N.J.A.C. 13:34-13. Counseling procedures include, but are not limited to, the following:

1. Appraisal and assessment, defined as:
 - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and
 - ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;
2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests, and abilities, and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;
3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client(s) may have in relation to an individual, a group or an organization;
4. Referral, defined as evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources; and
5. Research, defined as the conduct of qualitative or quantitative investigations into the nature of human and organizational behavior.

"Direct supervision" means the ongoing process of supervision by a qualified supervisor who is immediately available to assist the licensed associate counselor.

"Group supervision" means the ongoing process of supervising no more than six mental health counselors at one time in a group setting by a qualified supervisor.

"Independent practice of counseling" means providing counseling services in a private-for-profit setting by a licensed professional counselor or a licensed associate counselor, working under the direct supervision of a qualified supervisor consistent with the requirements of N.J.A.C. 13:34-10.3.

"One calendar year" means a maximum of 1,500 hours of supervised counseling experience over a period of 52 weeks, which is considered full-time or no less than 750 hours of supervised counseling experience in each of two 52-week periods for a total of 1,500 hours of supervised counseling experience, which is considered part-time. No more than 30 hours of supervised counseling experience shall be obtained in any one week. No more than 125 hours of supervised counseling experience shall be earned in any one month.

"Professional counseling experience" means the rendering of professional counseling services while under the direct supervision of a qualified supervisor.

"Professional counseling services" means the application of mental health and human development principles in order to facilitate human development and adjustment throughout the lifespan; clinically assess and evaluate mental, emotional and associated distresses, which interfere with mental health and development; conduct assessments and evaluations for the purpose of establishing goals and objectives; and plan, implement and evaluate counseling interventions.

"Qualified supervisor" means an individual who holds a clinical license to provide mental health counseling services for a minimum of two years in the state where the services are being provided, and who has:

1. A clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education or its successor or the American Association of Marriage and Family Therapy or its successor; or
2. Completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.

A "qualified supervisor" shall satisfy all requirements set forth in N.J.A.C. 13:34-13.1.

"Supervision" or "supervised" means the weekly interaction with a qualified supervisor who monitors the performance of the licensed associate counselor and provides weekly, documented, face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the licensed associate counselor, which includes at least 50 hours of face-to-face supervision per one calendar year, at the rate of one hour per week, of which not more than 10 hours may be group supervision.

13:34-10.3 SCOPE OF PRACTICE; PROFESSIONAL COUNSELOR AND ASSOCIATE COUNSELOR

- a) The scope of practice of a licensed professional counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in N.J.A.C. 13:34-10.2.
- b) The scope of practice of a licensed associate counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in N.J.A.C. 13:34-10.2, under direct supervision pursuant to the provisions of N.J.A.C. 13:34-13. A licensed associate counselor may only engage in the independent practice of counseling under the direct supervision of a qualified supervisor, consistent with the requirements of this section.
- c) An independent practice shall be owned and operated by a licensed professional counselor or a licensed healthcare professional that holds a clinical license to provide mental health counseling services.

SUBCHAPTER 11. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

13:34-11.1 (RESERVED)

13:34-11.2 PROFESSIONAL COUNSELOR: APPLICATION AND EDUCATIONAL REQUIREMENTS

- a) An applicant for licensure as a professional counselor shall submit the following to the Committee:
 - 1) A completed application form, which contains information concerning the applicant's educational and experiential background;
 - 2) The application fee set forth in N.J.A.C. 13:34-17.1;

- 3) An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate that:
 - i) The degree awarded is a master's degree or doctorate in counseling. The word "Counseling" or the word "Counselor" shall appear in the title of the graduate degree awarded and the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; and
 - ii) The applicant has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours shall be distributed in at least eight of the following areas:
 - (1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
 - (2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development and facilitation or client change;
 - (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;
 - (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
 - (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

- (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;
 - (7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
 - (8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
 - (9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.
- b) An applicant shall be required to submit documentation that the coursework he or she has completed meets the education requirements set forth in (a) above, if the official transcript has not been issued by an educational institution, which at the time of the applicant's graduation:
- 1) Was accredited by the Council for the Accreditation of Counseling and Related Educational Programs (C AC REP) or its successor; or
 - 2) Had obtained program approval from the Committee, after its review of documentation, including course descriptions and syllabi, demonstrating that the curriculum meets the requirements set forth in (a) above.

13:34-11.3 PROFESSIONAL COUNSELOR: EXPERIENCE REQUIREMENTS

- a) In addition to the requirements listed in N.J.A.C. 13:34-11.2, an applicant for licensure as a professional counselor shall submit to the Committee documentation indicating that the

applicant has met the supervised professional counseling experience requirements for licensure as set forth below:

- 1) Three calendar years of supervised professional counseling experience in a professional counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Two calendar years of supervised professional counseling experience shall have been obtained following licensure as an associate counselor. Hours of supervised professional counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the 45 hours distributed in the eight areas of the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2; or
 - 2) Two calendar years of supervised professional counseling experience as a licensed associate counselor in a professional counseling setting, provided that the applicant has earned, subsequent to completing the 60 graduate semester hours to include a master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in N.J.A.C. 13:34-11.2(a)3ii(1) through (9). Hours of supervised professional counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised professional counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the 45 hours distributed in the eight areas of the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the completion of the 60 graduate semester hours.
- b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised professional counseling experience requirement within the definitions stated in N.J.A.C. 13:34-10.2. Professional counseling experience submitted to the Committee that occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above, including supervision by a qualified supervisor.

13:34-11.4 PROFESSIONAL COUNSELOR: EXAMINATION REQUIREMENTS

- a) An applicant for licensure as a professional counselor shall submit to the Committee, in addition to the requirements stated in N.J.A.C. 13:34-11.2 and 11.3, proof that the applicant has successfully passed the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor.
- b) The applicant shall only be admitted to the NCE upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework, unless the NCE

is taken as part of the applicant's graduate degree program or in another state pursuant to that state's examination requirements.

13:34-11.5 ASSOCIATE COUNSELOR: APPLICATION AND EDUCATIONAL REQUIREMENTS

a) An applicant for licensure as an associate counselor shall submit to the Committee:

- 1) A completed application form which contains information concerning the applicant's educational and experiential background;
- 2) The application fee set forth in N.J.A.C. 13:34-17.1;
- 3) An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate that:
 - i) The degree awarded is a master's degree or doctorate in counseling. The word "Counseling" or the word "Counselor" shall appear in the title of the graduate degree submitted and the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; and
 - ii) The applicant has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:
 - (1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;
 - (2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development and facilitation or client change;
 - (3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;

- (4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;
 - (5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
 - (6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;
 - (7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
 - (8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
 - (9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.
- b) An applicant shall be required to submit documentation that the coursework he or she has completed meets the education requirements set forth in (a) above, if the official transcript has not been issued by an educational institution, which at the time of the applicant's graduation:

- 1) Was accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or its successor; or
- 2) Had obtained program approval from the Committee, after its review of documentation, including course descriptions and syllabi, demonstrating that the curriculum meets the requirements set forth in (a) above.

13:34-11.6 ASSOCIATE COUNSELOR: EXAMINATION REQUIREMENTS

- a) In addition to the requirements listed in N.J.A.C. 13:34-11.5, an applicant for licensure as an associate counselor shall submit proof to the Committee that the applicant has successfully passed the National Counselor Examination (NCE), or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor.
- b) The applicant shall only be admitted to the NCE upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework, unless the NCE is taken as part of the applicant's graduate degree program or in another state pursuant to that state's examination requirements.

13:34-11.7 PAYMENT OF LICENSING FEE; ABANDONMENT OF APPLICATION

- a) An applicant for licensure shall submit the licensing fee set forth in N.J.A.C. 13:34-17.1 upon receipt of notification from the Committee that his or her application for licensure has been approved. Failure to submit the licensing fee within six months following the date of notification from the Committee shall result in the application for licensure being deemed abandoned.
- b) An applicant for licensure whose application has been deemed abandoned pursuant to (a) above shall submit a new application for licensure to the Committee and shall comply with all application requirements in this subchapter.

13:34-11.8 PROFESSIONAL COUNSELOR: CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:34-11.2 and 11.3 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license as a professional counselor to the applicant, if the applicant presents evidence to the Committee that:

- 1) The applicant has been honorably discharged from active military service;
 - 2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:34-11.2 and 11.3.
 - i. An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
 - ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold a master's degree or a doctorate in counseling as described in N.J.A.C. 13:34-11.2, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a master's degree or doctorate in counseling as described and required for licensure under N.J.A.C. 13:34-11.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those courses relevant to the practice of counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
 - 3) The applicant complies with all other requirements for licensure as a professional counselor, including successful completion of the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor, as set forth in N.J.A.C. 13:34-11.4.
- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
- d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure as a professional counselor, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-11.2 and 11.3 for the issuance of the license as a professional counselor.
- e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.

13:34-11.9 ASSOCIATE COUNSELOR: CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:34-11.5 may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.
- b) The Board shall issue a license as an associate counselor to the applicant, if the applicant presents evidence to the Committee that:
1. The applicant has been honorably discharged from active military service;
 2. The relevant training, experience, and education the applicant has received in the military, together with any training, education, and experience obtained and outside of the Armed Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure under N.J.A.C. 13:34-11.5.
 - i. An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
 - ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold a master's degree or a doctorate in counseling as described in N.J.A.C. 13:34-11.5, shall submit to the Committee a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a master's degree or a doctorate in counseling, as described and required for licensure under N.J.A.C. 13:34-11.5. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those courses relevant to the practice of counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
 3. The applicant complies with all other requirements for licensure as an associate counselor, including successful completion of the National Counselor Examination (NCE) or its successor, administered by the National Board for Certified Counselors (NBCC) or its successor, as set forth in N.J.A.C. 13:34-11.6.

- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
- d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-11.5 for the issuance of the license as an associate counselor.
- e) Satisfactory evidence of such education, training or service shall be assessed on a case-by-case basis.

SUBCHAPTER 12.

PROFESSIONAL COUNSELORS: LICENSURE BY ENDORSEMENT

13:34-12.1 LICENSURE BY ENDORSEMENT

- a) Applicants licensed to practice professional counseling by a professional counseling licensing board in the United States may apply to the Committee for a license by endorsement as a licensed professional counselor. Applicants shall have been engaged in active licensed practice for a period of three years immediately preceding the date of application and shall satisfy the requirements of this section.
- b) Applicants for licensure by endorsement shall register with the National Credentials Registry or its successor, approved by the American Association of State Counseling Boards (AASCB).
- c) An applicant for licensure by endorsement shall hold a master's degree or doctorate in counseling from a counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP). The word "Counseling" or the word "Counselor" shall appear in the title of the graduate degree awarded and the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The degree shall consist of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse.
- d) If an applicant for licensure by endorsement has a master's degree or doctorate in counseling from a regionally accredited program related to the practice of counseling that is not accredited by CACREP, the word "Counseling" or the word "Counselor" shall appear in the title of the graduate degree awarded and the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the

graduate degree is to prepare students for the professional practice of counseling. The applicant shall establish that the coursework and practicum, internship, and/or fieldwork for the program consists of at least 60 semester hours or 80 quarter hours, and is consistent with the following minimum requirements:

- 1) Thirty-three semester hours or 44 quarter hours of graduate coursework, which shall include a minimum of three semester hours or four quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; counseling in community settings; and substance abuse. Courses in research, thesis or dissertation work, practicums, internships or fieldwork may not be applied toward this requirement; and
 - 2) Three semester hours or four quarter hours of graduate-level coursework in legal, ethical and professional standards in the practice of mental health counseling, which includes goals, objectives and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships or fieldwork may not be applied toward this requirement; and
- e) An applicant for licensure by endorsement shall have 4,500 hours of work experience obtained over a period of time between three and six years.
- f) An applicant for licensure by endorsement shall have passed either the National Counselor Examination (NCE) or the Clinical Mental Health Counseling Examination (CMHCE).

SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION

13:34-13.1 SUPERVISOR QUALIFICATIONS; SUPERVISOR RESPONSIBILITIES

- a) A qualified supervisor, as defined in N.J.A.C. 13:34-10.2, shall meet the following requirements prior to supervising the provision of professional counseling services:
- 1) The individual shall have obtained 3,000 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 3,000 hours shall have been obtained over a minimum of two years, but no more than six years; and

- 2) On or after October 5, 2011, the individual shall hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors (NBCC) or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable, or shall have completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.
- b) A qualified supervisor shall be responsible for creating a written supervision plan with the licensed associate counselor. The supervision plan shall outline the work setting, the licensed associate counselor's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. Supervision may be provided through live observation or through the review of videotapes, audiotapes and/or self-reporting of sessions with clients, consistent with the requirements of (d) below.
- c) The written supervision plan shall be approved by the Committee prior to the performance of counseling by the licensed associate counselor.
- d) A qualified supervisor shall perform and document the following activities with the licensed associate counselor:
 - 1) The supervisor shall perform at least one of the following activities with the licensed associate counselor:
 - i) Work as a co-counselor with the licensed associate counselor;
 - ii) Observe the licensed associate counselor's sessions with clients;
 - iii) View videotapes of the licensed associate counselor's session with clients; or
 - iv) Listen to audiotapes of the licensed associate counselor's session with clients;
 - 2) The supervisor shall perform at least one of the following activities with the licensed associate counselor:
 - i) React to case presentations given by the licensed associate counselor; or
 - ii) Conduct role-playing sessions with the licensed associate counselor; and
 - 3) The supervisor shall perform all of the following activities:

- i) Engage in problem-solving discussions with the licensed associate counselor concerning individual clients;
 - ii) Enter into problem-solving discussions concerning the licensed associate counselor's own problems that affect the licensed associate counselor's work with clients;
 - iii) Offer feedback to the licensed associate counselor concerning specific interventions utilized with clients;
 - iv) Offer feedback to the licensed associate counselor concerning the licensed associate counselor's personal qualities as they affect work with clients; and
 - v) Offer feedback to the licensed associate counselor concerning the supervision experience.
- e) A qualified supervisor shall maintain all documentation with respect to the supervision provided to licensed associate counselors for a minimum of three years. A qualified supervisor shall attest to compliance with the supervision requirements of this section by completing all forms provided by the Committee.
- f) A qualified supervisor shall not supervise more than a total of six mental health counselors at any one time.
- g) Prior to a licensed associate counselor's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by an associate counselor under the supervision of a professional counselor or a qualified supervisor as defined in N.J.A.C. 13:34-10.2. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner, so that it shall be easily readable, clearly understood, signed by the client and retained as part of the client record.
- h) A qualified supervisor shall retain full professional responsibility for collecting fees from clients.
- i) A qualified supervisor shall be responsible for knowing the name and either the diagnosis or the nature of the problem of each client being treated by the licensed associate counselor. A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the licensed associate counselor.

- j) A qualified supervisor shall ensure that the licensed associate counselor maintains, on an annual basis until the licensed associate counselor is licensed as a professional counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in this section and shall indicate the hours and dates during which the licensed associate counselor has been under supervision, the nature of the cases assigned and the proficiency rating earned by the licensed associate counselor.
- k) A qualified supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.
- l) A qualified supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, current employers, relatives of the supervisor, immediate relatives of current clients, current students or close friends.

13:34-13.2 RESPONSIBILITIES OF LICENSED ASSOCIATE COUNSELORS

- a) The licensed associate counselor shall maintain documentation of supervised experience for each 52 week period of supervised experience until the licensed associate counselor is licensed as a professional counselor.
- b) A licensed associate counselor shall not engage in practice under supervision in any area for which the licensed associate counselor has not had appropriate education and training.
- c) A licensed associate counselor shall not engage in unsupervised or independent practice.
- d) A licensed associate counselor shall not receive a professional fee from a client. A licensed associate counselor may be compensated only through the supervisor or employing entity.
- e) A licensed associate counselor shall not advertise professional services.

13:34-13.3 SUPERVISED PROFESSIONAL COUNSELING EXPERIENCE ACQUIRED PRIOR TO APPLICATION

- a) An applicant may be granted up to one calendar year of supervised professional counseling experience credit towards fulfillment of the supervised professional counseling experience requirements for licensure as a professional counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.

- b) An applicant may be granted supervised professional counseling experience credit towards the fulfillment of experience requirements for licensure as a professional counselor if the supervised experience occurred after the granting of the master's degree and after the applicant was licensed as an associate counselor and the experience was supervised by a qualified supervisor as defined in N.J.A.C. 13:34-10.2.
- c) An applicant may be granted credit towards the fulfillment of the supervised professional counseling experience requirement for licensure as a professional counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a professional counselor.
- d) An applicant may purchase the services of a qualified supervisor if the supervision occurs in a professional counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-13.1.

13:34-13.4 (RESERVED)

SUBCHAPTER 14.
PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS

13:34-14.1 SPECIALTY DESIGNATIONS

- a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee:
 - 1) Is certified in one of the following specialties by the NBCC or any successor:
 - i) Clinical mental health counselor pursuant to the requirements set forth in N.J.A.C. 13:34-14.2;
 - ii) Career counselor;
 - iii) Gerontological counselor;
 - iv) School counselor; or
 - v) Master addictions counselor; and
 - 2) Has satisfied the Committee that he or she has met the recognized minimum standards of the NBCC.

- b) A qualified professional counselor who the Committee determines satisfies the requirements of (a) above may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.
- c) A professional counselor shall post the NBCC certificate in a conspicuous place in a waiting room or other area where it will be visible to the professional counselor's clients.
- d) The Committee may approve other specialty designations through the rulemaking process. Consistent with the requirements for use of the designations outlined above in this subchapter, any additional approved specialty designations must meet nationally accepted standards as established by the NBCC.

13:34-14.2 CLINICAL MENTAL HEALTH COUNSELOR

- a) A licensed professional counselor may utilize the specialty designation of clinical mental health counselor and be issued a specialty permit provided that the licensed professional counselor submits the following to the Committee:
 - 1) A certificate that the applicant is a certified clinical mental health counselor from NBCC or any successor;
 - 2) Proof of passing the comprehensive qualifying examination prepared by NBCC or any successor;
 - 3) An official transcript clearly indicating that the applicant has completed a minimum of 60 graduate semester hours in a mental health field at an accredited institution of higher education; and
 - 4) Proof that the applicant has completed two years of post-master's degree field experience, which includes at least 3,000 hours of supervised clinical experience and 100 hours of face-to-face supervision of which no more than 20 hours may be group supervision.
- b) Upon biennial renewal of the specialty permit for a clinical mental health counselor, an applicant shall submit the following to the Committee:
 - 1) Proof that the applicant is currently certified as a clinical mental health counselor from NBCC or any successor; and
 - 2) Proof that the applicant has completed at least 40 hours of continuing education in courses or programs directly related to the mental health field.

SUBCHAPTER 15. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CONTINUING EDUCATION

13:34-15.1 LICENSE RENEWAL AND CONTINUING EDUCATION REQUIREMENT

- a) All licensed professional counselors shall complete 40 contact hours of continuing education for license renewal, except during the period of initial licensure as provided in N.J.A.C. 13:34-15.2(a). The licensed professional counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to N.J.A.C. 13:34-15.1 and 15.2 during the biennial period preceding application for renewal.
- b) For the biennial renewal period beginning December 1, 2008, and for all subsequent biennial renewal periods thereafter, an associate counselor licensed for two or more biennial renewal periods, shall complete 40 contact hours of continuing education for all subsequent renewals of his or her license, consistent with the requirements of this subchapter.

13:34-15.2 CONTACT-HOUR REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS

- a) A professional counselor shall not be required to obtain continuing education contact hours during the period of initial licensure prior to the professional counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-15.1 for all subsequent biennial renewal periods.
- b) A licensed professional counselor shall complete at least five of the 40 contact hours required by N.J.A.C. 13:34-15.1 in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.
- c) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-15.1 in the subject area of social and cultural competence. For the purposes of this subsection, social and cultural competence includes, but is not limited to, an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities including any of the following:
 - 1) Multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally;

- 2) Attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities;
 - 3) Individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups;
 - 4) Counselors' roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, process of intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind, or body;
 - 5) Theories of multicultural counseling, theories of identity development and multicultural competencies; and
 - 6) Ethical and legal considerations relating to issues of diversity.
- d) Beginning December 1, 2008, the three contact hours of continuing education in the subject area of social and cultural competence shall be completed every biennial period and shall be in addition to the required five contact hours of continuing education in ethics and legal standards as set forth in (b) above.
- e) If the licensed professional counselor earns more than 40 contact hours during a biennial period, the professional counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

13:34-15.3 CONTACT-HOUR REQUIREMENTS FOR LICENSED PROFESSIONAL COUNSELORS WITH A SPECIALTY PERMIT

A holder of a specialty permit shall satisfy the specialty permit continuing education requirements of the National Board of Certified Counselors (NBCC). The required continuing education contact hours for the specialty permit may be used to satisfy the Committee's 40 contact hours of continuing education requirements for the licensed professional counselor set forth in this subchapter.

13:34-15.4 APPROVAL OF COURSES OR PROGRAMS

- a) The following are acceptable sources of continuing education courses, programs and articles, as long as the courses, programs or articles fall within the content areas set forth in (c) or (d) below or are directly related to professional counseling:

- 1) Courses and programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Ortho-psychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; the United States Psychiatric Rehabilitation Association; and the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.;
 - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
 - 3) Authoring a refereed article published in a professional journal within the preceding biennial period; and
 - 4) Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-15.4(a)1.
- b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the professional counselor shall first apply to and obtain approval from one of the listed organizations.
- c) The following are acceptable content areas for continuing education:
- 1) Counseling theory and practice which provide basic theories, principles and techniques of counseling and their application to professional counseling settings;
 - 2) The helping relationship, which provides broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development and facilitation or client change;
 - 3) Human growth and development and maladaptive behavior which provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, lifespan theory, and learning theory within cultural contexts;
 - 4) Lifestyle and career development which provides a broad understanding of career development theories, occupational and educational information sources and systems,

career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

- 5) Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;
 - 6) Appraisal of individuals which provides a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities, interests, and identify career options;
 - 7) Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;
 - 8) Research and evaluation which provide a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and
 - 9) The counseling profession which provides a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.
- d) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three contact hour continuing education requirement shall be obtained consistent with (a) above or shall be subject to the approval of the Committee. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Board of Social Work Examiners, or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Committee.

13:34-15.5 CONTINUING EDUCATION CREDITS AND CONTACT-HOUR CALCULATION

- a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to professional counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.
- b) A professional counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-15.4 in order to receive continuing education credit. The Committee shall grant a professional counselor continuing education credit for each biennial renewal period as follows:
 - 1) Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the professional counselor must complete for licensure as set forth in N.J.A.C. 13:34-11.3;
 - 2) Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a professional counselor teaches. For the purposes of this subsection, "new" means a course that the professional counselor has not taught previously in any educational setting;
 - 3) A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and
 - 4) Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the professional counselor has not previously presented.

13:34-15.6 DOCUMENTATION OF CONTINUING EDUCATION CREDIT

- a) A professional counselor shall retain documentation of the continuing education hours which the professional counselor completes in order to verify program attendance or activity completion. Each professional counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of professional counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.

- b) A professional counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.
- c) A professional counselor shall verify continuing education activities by retaining the following:
 - 1) For publications, a copy of the published article;
 - 2) For course or program presentations, copies of the program, syllabus, outlines and bibliographies;
 - 3) For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-15.5(b)2; and
 - 4) For graduate coursework, an official transcript.
- d) A professional counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the professional counselor continuing education credit.
- e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.
- f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of professional counseling in the State of New Jersey.

13:34-15.7 WAIVER OF CONTINUING EDUCATION REQUIREMENTS

- a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the professional counselor.
- b) A professional counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

**SUBCHAPTER 16.
(RESERVED)**

**SUBCHAPTER 17.
PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: FEES**

13:34-17.1 FEES

a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:

- 1) Application fee \$75.00
- 2) Initial license fee:
 - i) Professional counselor:
 - (1) During the first year of a biennial renewal period \$250.00
 - (2) During the second year of a biennial renewal period \$125.00
 - ii) Associate counselor:
 - (1) During the first year of a biennial renewal period \$180.00
 - (2) During the second year of a biennial renewal period \$ 90.00
- 3) Biennial renewal:
 - i) Professional counselor \$250.00
 - ii) Associate counselor \$180.00
- 4) Late fee \$100.00
- 5) Reinstatement Fee \$150.00

- 6) Duplicate wall certificate \$40.00
- 7) Change of address \$25.00
- 8) Certification of licensure \$40.00
- 9) Certification of specialty designation \$40.00
- 10) Initial specialty designation permit:
 - i) During the first year of a biennial period \$50.00
 - ii) During the second year of a biennial period \$25.00
- 11) Biennial renewal, specialty designation permit \$50.00

SUBCHAPTER 18.
PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS:
CLIENT RECORDS; CONFIDENTIALITY

13:34-18.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS

- a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.
- c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, which shall include:
 - 1) The client name, address and telephone number;
 - 2) The client complaint on intake;
 - 3) Medical history recognized as of potential significance;

- 4) Past and current medications;
 - 5) Significant social history;
 - 6) Findings on appropriate examination;
 - 7) Raw data and interpretation of tests, if administered;
 - 8) Current functional impairments and rating levels thereof;
 - 9) A diagnostic impression;
 - 10) Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
 - 11) Dates of all treatment, evaluation or consultation sessions;
 - 12) The location of treatment, evaluation or consultation;
 - 13) An evaluation of progress (if applicable);
 - 14) A prognosis;
 - 15) The client identity on each page;
 - 16) Fees charged and paid;
 - 17) The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
 - 18) If services are rendered by an associate counselor, the written disclosure form signed by the client; and
 - 19) Information regarding referrals to other professionals.
- d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-13.2(b) and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

- e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.
- f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.
- g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.
- h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.
- i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-18.2 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE CLIENT RECORDS

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
 - 1) Contains an internal permanently activated date and time recordation for all entries;
 - 2) Automatically prepares a back-up copy of the file; and
 - 3) Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.
- b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.
- c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.
- d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.

- e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000, print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialled by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change over of computer program, with each page initialled by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

13:34-18.3 ACCESS TO COPY OF CLIENT RECORD

- a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payor with whom the client has a contract, which provides that the third party be given access to records to assess a claim for monetary damages or reimbursement.
- b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) below and in N.J.A.C. 13:34-18.5.
- c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.
- d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.
- e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.
- f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

g) A licensee may withhold information contained in the client record from a client or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

- 1) The client's attorney;
- 2) Another licensed health care professional; or
- 3) The client's health insurance carrier.

13:34-18.4 ACCESS BY A MANAGED HEALTH CARE PLAN TO INFORMATION IN CLIENT RECORD

- a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.
- b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payer whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-18.5 CONFIDENTIALITY

- a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing professional counseling services for the client, except in the following circumstances:
 - 1) Disclosure is required by Federal or State law or regulation;
 - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
 - 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;
 - 4) The licensee has information that the client presents a clear and present danger to the health or safety of an individual;

- 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the professional counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
 - 6) The client agrees, in writing, to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving professional counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.
- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
 - c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.
 - d) In the case of a client's death:
 - 1) Confidentiality survives the client's death and a licensee shall preserve the confidentiality of information obtained from the client in the course of the licensee's teaching, practice or investigation;
 - 2) The disclosure of information in a deceased client's records is governed by the same provisions for living clients set forth in N.J.A.C. 13:34-18.3, 18.4 and 18.6; and
 - 3) A licensee shall retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law.
 - e) A licensee may discuss the information obtained in clinical or consulting relationships, or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case, as provided under applicable State and Federal laws and regulations.
 - f) A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only as follows:
 - 1) With prior consent of the clients or persons involved; or

- 2) Where the identity of the client or person involved is adequately disguised.

13:34-18.6 MINORS

- a) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative, as defined at N.J.A.C. 13:34-18.3(a). When the client is more than 14 years of age, but has not yet reached the age of majority, the authorization shall be signed by the client and by the client's parent or legal guardian, pursuant to N.J.S.A. 45:14B-36(e).
- b) This section shall not require a licensee to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse or any other information that in the reasonable exercise of the licensee's professional judgment may adversely affect the minor's health or welfare.
- c) Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.
- d) The provisions at N.J.A.C. 13:34-18.3, 18.4 and 18.5, concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, shall apply to minors.

13:34-18.7 TRANSFER OR DISPOSAL OF RECORDS

- a) If a licensee ceases to engage in practice or it is anticipated that he or she will remain out-of-practice for more than three months, the licensee shall comply with the requirements concerning termination of services set forth at N.J.A.C. 13:34-30.5(c) and shall:
 - 1) Establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming responsibilities of the practice. However, a licensee shall not charge a client for a copy of the records, when the records will be used for purposes of continuing treatment or care;
 - 2) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records; and
 - 3) If a licensee is unable to notify all clients, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in

the geographic location of the licensee's practice, at least once each month for the first three months after the cessation.

SUBCHAPTER 19.
PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS:
GENERAL OBLIGATIONS OF A LICENSEE

13:34-19.1 POSTING OF PRACTICE AUTHORIZATION AND NOTIFICATION OF AVAILABILITY OF FEE INFORMATION

- a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:
- 1) Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public having a complaint relative to the practice conducted by a professional or associate counselor shall notify the Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, www.state.nj.us/lps/ca/medical/procounsel.htm, or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, www.state.nj.us/lps/ca/comp.htm.
 - 2) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-19.2 NOTIFICATION OF CHANGE OF ADDRESS OR NAME; SERVICE OF PROCESS; DUTY TO NOTIFY

- a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.
- b) A licensee whose name has been legally changed shall forward to the Committee by certified mail, return receipt requested, no later than 30 days following the change of name, legal evidence of such change and copies of two forms of identification, one of which shall be an United States government-issued or State government-issued photo identification. Upon receipt of these items, the Committee shall issue to the licensee a new license. Upon receipt of the new license, the licensee shall immediately remit the original license to the Committee.

- c) Service of an administrative complaint or other documents from the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- d) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Committee in writing.

13:34-19.3 SEXUAL MISCONDUCT

- a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a professional counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of professional counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place environment, and the licensee knows, should know, or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act, or multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee or research subject, whether or not such individual is in a subordinate position to the licensee.

- b) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-counselor relationship.
- c) In circumstances where the client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.

- d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.
- e) A licensee shall not accept as a client a current or former sexual partner.
- f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client unless that discussion is directly related to legitimate client needs and furthers the client's professional counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.
- h) A licensee shall not engage in any other activity in a professional counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.
- i) A licensee shall not seek, solicit or engage in sexual contact with a current client's immediate family member, a former client, a former client's immediate family member or a former student when counseling services were rendered to the client, former client or former student within the immediately preceding 24 months, or with a current student, a current direct supervisor or supervisee or a current research subject. A licensee shall not seek, solicit, accept or participate in sexual contact with any person in exchange for professional services.
- j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- k) It shall not be a defense to any action under this section that:
 - 1) The client, the client's immediate family member, former client, the former client's immediate family member, student, supervisor, supervisee or research subject solicited or consented to sexual contact with the licensee; or
 - 2) The licensee was in love with or had affection for the client, the client's immediate family member, former client, the former client's immediate family, student, supervisor, supervisee or research subject.

13:34-19.4 REAL ESTATE ARRANGEMENTS

- a) A licensee may be an owner, investor or lessor in real estate utilized for the conduct of a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value, as applicable to the circumstances.
- b) A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value, or less, and is for a regular term and not for sporadic use of the space.
- c) A licensee may lease professional space from a commercial entity on any arrangements consistent with standard business practice in the community, provided the arrangements do not affect the licensee's professional discretion in matters, including choice of clients, professional services offered or fees.
- d) The establishment of any lease, investment or other commercial relationship for the conduct of professional practice other than as set forth in this section shall require Committee approval for good cause shown.

13:34-19.5 LICENSE RENEWAL; ACTIVE/INACTIVE STATUS

- a) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24-month renewal period.
- b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.
- c) Every holder of a license issued or renewed by the Committee who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.
- d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of professional counseling, even if no notice of suspension has been provided to the individual.

- e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional counseling within the State.
- f) A licensee who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Committee, the Committee permits the inactive licensee to return to active status. A licensee who seeks to return to active status shall submit the following:
 - 1) A completed renewal application;
 - 2) The renewal fee for the current biennial period set forth in N.J.A.C. 13:34-17.1;
 - 3) An affidavit of employment listing each job held during the period the licensee was inactive, including the name, address and telephone number of each employer; and
 - 4) Evidence that the licensee has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The licensee shall complete the continuing education hours within three years prior to the date of application for the return to active status.
- g) A licensee who returns to active status shall not use any continuing education credits completed pursuant to (f)4 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

13:34-19.6 REINSTATEMENT

- a) An applicant whose license has been suspended for failure to renew pursuant to N.J.A.C. 13:34-19.5 for a period of five years or less shall be reinstated by the Committee upon submission of the following:
 - 1) A completed reinstatement application;
 - 2) A reinstatement fee and all past delinquent biennial renewal fees set forth in N.J.A.C. 13:34-17.1;
 - 3) An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer;
 - 4) Any outstanding penalties imposed by the Committee; and

- 5) Evidence that the individual has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The applicant shall complete the continuing education hours within three years prior to the date of application for reinstatement.
- b) An applicant whose license has been suspended for failure to renew pursuant to N.J.A.C. 13:34-19.5 for a period of more than five years shall be reinstated by the Committee upon successful completion of the licensing examination set forth in N.J.A.C. 13:34-11.4 within six months of the date of application and upon submission of the following:
 - 1) A completed reinstatement application;
 - 2) Payment of the reinstatement fee and all past delinquent biennial renewal fees set forth in N.J.A.C. 13:34-17.1;
 - 3) An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer; and
 - 4) Any outstanding penalties imposed by the Committee.
- c) A licensee who is reinstated shall not use any continuing education credits completed pursuant to (a)5 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

**SUBCHAPTER 20.
REHABILITATION COUNSELORS: PURPOSE AND SCOPE;
DEFINITIONS; SCOPE OF PRACTICE**

13:34-20.1 PURPOSE AND SCOPE

- a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of rehabilitation counseling, as defined in N.J.A.C. 13:34-20.2, within the State of New Jersey.
- b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render rehabilitation counseling services, as defined in N.J.A.C. 13:34-20.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.

- c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as a rehabilitation counselor.

13:34-20.2 DEFINITIONS

The following words and terms, as used in N.J.A.C. 13:34-20 through 28, shall have the following meanings, unless the context clearly indicates otherwise:

"Clinical assessment and evaluation of persons with disabilities" means assessing, analyzing and evaluating physical and psychiatric disabilities of persons with disabilities in terms of the vocational implications of disabilities and medical aspects and implications of disabilities, including physical and functional capacities of the person and the psychosocial and cultural impact of disabilities for the purpose of exploring possible solutions, developing goals, and developing personalized plans for identified needs.

"Group supervision" means the ongoing process of supervising no more than six mental health counselors in a group setting by a permissible qualified supervisor.

"Major life activities" include such activities as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, consistent with the provisions of the Americans with Disabilities Act Code, 36 CFR 1191 et seq.

"One calendar year" means a maximum of 1,500 hours of supervised counseling experience over a period of 52 weeks, which is considered full-time or no less than 750 hours of supervised counseling experience in each of two 52 week periods for a total of 1,500 hours of supervised counseling experience, which is considered part-time. No more than 30 hours of supervised counseling experience shall be obtained in any one week. No more than 125 hours of supervised counseling experience shall be earned in any one month.

"Persons with disabilities" means persons who have a physical and/or psychiatric impairment that substantially limits one or more major life activities.

"Program evaluation" means the effort to determine what changes occur as a result of a planned program by comparing actual changes (results) with desired changes (stated goals),

and by identifying the degree to which the activity (planned program) is responsible for those changes.

"Psychiatric disabilities" include mental or psychological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness, developmental disabilities and specific learning disabilities.

"Qualified supervisor" means an individual who holds a clinical license to provide mental health counseling services for a minimum of two years in the state where the services are being provided, and who has:

1. A clinical supervisor's certificate from the National Board for Certified Counselors Center for Credentialing and Education or its successor, the American Society of Addictive Medicine or its successor, the American Psychiatric Association or its successor or the American Association of Marriage and Family Therapy or its successor; or
2. Completed a minimum of three graduate credits in clinical supervision from a regionally accredited institution of higher education.

A "qualified supervisor" shall satisfy all requirements set forth in N.J.A.C. 13:34-23.1.

"Rehabilitation counseling" means offering to assist or assisting, for a fee or other compensation, a person through a rehabilitation counseling relationship to develop an understanding of the personal, social and vocational impact of their disabilities and to plan and implement a rehabilitation program, which may include training to help the person become more independent and employable. Rehabilitation counseling entails the clinical assessment and evaluation of mental, emotional, behavioral and associated distresses, which interfere with mental health and development.

"Rehabilitation counseling experience" means the rendering of rehabilitation counseling services while under the supervision of a qualified supervisor.

"Rehabilitation counseling interventions" means services implemented in the context of a rehabilitation counseling relationship between a rehabilitation counselor and persons with disabilities and the application of individual and group counseling theories and strategies, career development and work adjustment theories and strategies, behavior and personality theories and strategies and family counseling theories and strategies, specifically implemented for the

purpose of helping persons with disabilities to understand and to deal with the personal, social and vocational impact of their disabilities. "Rehabilitation counseling interventions" include, but are not limited to, the following:

1. Appraisal and assessment, defined as:
 - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and
 - ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;
2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests and abilities and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;
3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client(s) may have in relation to an individual, a group or an organization;
4. Referral, defined as evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources; sources; and
5. Research, defined as a systematic effort to collect, analyze and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders and interpersonal transactions among persons and organizations interact.

"Substantially limits one or more major life activities" means an impairment which substantially interferes with the accomplishment of a major life activity or activities when the person's major life activity or activities are restricted as to the conditions, manner, or duration under which they can be performed without impairment.

"Supervision" or "supervised" means the weekly interaction with a qualified supervisor who monitors the performance of the supervisee and provides weekly, documented face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of

the supervisee and includes at least 50 hours of face-to-face supervision per one calendar year, at the rate of one hour per week, of which not more than 10 hours may be group supervision.

"Supervisee" means a person providing rehabilitation counseling services under the supervision of a qualified supervisor.

13:34-20.3 SCOPE OF PRACTICE; REHABILITATION COUNSELOR

The scope of practice of a rehabilitation counselor includes, but is not limited to, rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, and rehabilitation counseling as those terms are defined in N.J.A.C. 13:34-20.2.

SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

13:34-21.1 (RESERVED)

13:34-21.2 REHABILITATION COUNSELOR: APPLICATION AND EDUCATIONAL REQUIREMENTS

- a) An applicant for licensure as a rehabilitation counselor shall submit the following to the Committee:
 - 1) A completed application form, which contains information concerning the applicant's educational and experiential background;
 - 2) The application fee set forth in N.J.A.C. 13:34-26.1;
 - 3) An official transcript(s) indicating that the applicant has obtained a master's degree in a planned educational program designed to prepare students for the professional practice of rehabilitation counseling from a regionally accredited institution of higher education. The degree and official transcript shall clearly indicate coursework in the following areas:
 - i) Introduction to rehabilitation counseling that includes: an overview of the history and philosophy of the counseling profession, including legislation and public policies that affect individuals with disabilities; rehabilitation counseling scope of practice; codes of ethics and ethical decision-making; and societal issues and trends affecting the counseling profession;

- ii) Counseling theories and practice that include the study of the major theories of counseling and personality, key concepts, the therapeutic process and applications in providing counseling services;
- iii) Psychosocial aspects of disability that examine medical, psychosocial, functional and environmental aspects of disabilities with an emphasis on psychiatric, developmental, cognitive and substance abuse disabilities and includes techniques to facilitate adjustment and coping with disabilities for both individuals and families;
- iv) Medical aspects of disability that examine medical, functional, environmental and psychosocial aspects of disabilities, including appropriate intervention resources, such as assistive technology and which focuses on the impact of physical and sensory disabilities on the individual, family and environment;
- v) Evaluation and assessment that provides a comprehensive overview of the theories, principles, procedures and practices of appraisal of individuals that includes: discussion of data and information gathering; reliability, validity and other psychometric statistics; factors influencing appraisals; administering and interpreting tests and measurements to assess abilities, interests and identify career options that could be useful in the counseling relationship;
- vi) Community counseling and resources that focus on the development of skills and provides information about systems resources to guide individuals successfully through the rehabilitation counseling process from referral to case closure and includes methods and practices for effective case management, case recording and documentation and interdisciplinary consultation in both public and private settings;
- vii) Research methods that provide an overview of basic statistics and types of research studies; research implementation and report development; program evaluation, including needs assessment, outcomes assessment, consumer satisfaction measures, research publication and ethical and legal considerations in research;
- viii) Group methods that focus on group leadership styles and techniques, group dynamics and group process and different types of groups for different purposes;
- ix) Social and cultural diversity issues that focus on the development of the awareness, knowledge and skills needed to provide counseling services to clients from diverse backgrounds, including increasing self-knowledge of one's own personal cultural background, as well as developing a broad understanding of societal changes, trends and concerns and learning counseling skills to provide services in an environment of diversity;

- x) Career development theory that focuses on theories of career and lifestyle development, including information about identifying career options, occupational and educational information and career decision making and planning;
 - xi) Career counseling and consultation that focuses on career development, advancement, getting and keeping employment, including approaches to working both with individuals seeking employment and with employers; and
 - xii) Practicum and internship that are designed for students to learn and practice advanced counseling skills in the context of establishing and maintaining helping relationships. A minimum of 100 hours of supervised field-based experience in an approved agency is required for the practicum, and 600 hours for the internship. Students shall attend weekly group and/or individual supervision to increase client and helper self-understanding and development, as well as increase expertise in the facilitation of change; and
- 4) A supervisor's certification documenting that the applicant has met the supervision requirements for both the practicum and internship in rehabilitation counseling.
- b) On or after October 5, 2012, in order to be eligible for licensure, an applicant shall submit an official transcript(s) clearly indicating that the applicant has obtained a master's degree from a rehabilitation counseling degree program accredited, at the time of the applicant's graduation, by the Council on Rehabilitation Education (CORE) or its successor.

13:34-21.3 REHABILITATION COUNSELOR: EXPERIENCE REQUIREMENTS

- a) In addition to the requirements listed in N.J.A.C. 13:34-21.2, an applicant for licensure as a rehabilitation counselor shall submit to the Committee documentation indicating that the applicant has met the supervised rehabilitation counseling experience requirements for licensure as set forth below:
- 1) Three calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2; or
 - 2) Two calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums may be counted toward satisfying

a portion of the supervised rehabilitation counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.

- b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised rehabilitation counseling experience requirement within the definitions stated in N.J.A.C. 13:34-21.1. Rehabilitation counseling experience submitted to the Committee which occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above including supervision by a qualified supervisor.

13:34-21.4 REHABILITATION COUNSELOR: EXAMINATION REQUIREMENTS

- a) In addition to the requirements stated in N.J.A.C. 13:34-21.2 and 21.3, an applicant for licensure as a rehabilitation counselor shall submit to the Committee proof that the applicant has successfully completed the Certified Rehabilitation Counselor Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC), or its successor.
- b) The applicant shall only be admitted to the Certified Rehabilitation Counselor Examination upon receipt of written permission from the Committee following the Committee's review of the applicant's coursework, unless it is taken as part of the applicant's graduate degree program or it is taken in another state pursuant to that state's examination requirements.

13:34-21.5 PAYMENT OF LICENSING FEE; ABANDONMENT OF APPLICATION

- a) An applicant for licensure shall submit the licensing fee set forth in N.J.A.C. 13:34-26.1 upon receipt of notification from the Committee that his or her application for licensure has been approved. Failure to submit the licensing fee within six months following the date of notification from the Committee shall result in the application for licensure being deemed abandoned.
- b) An applicant for licensure whose application has been deemed abandoned pursuant to (a) above shall submit a new application for licensure to the Committee and shall comply with all application requirements in this subchapter.

13:34-21.6 REHABILITATION COUNSELOR: CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces), and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C.13:34-21.2(b) and 21.3, may apply to the Committee for recognition of the

applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license as a rehabilitation counselor to the applicant, if the applicant presents evidence to the Committee that:

1) The applicant has been honorably discharged from active military service;

2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside the Armed Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure under N.J.A.C. 13:34-21.2(b) and 21.3.

i. An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.

ii. An applicant seeking credit for education courses and/or training completed while in the military, who does not hold a master's degree from a rehabilitation counseling degree program accredited, at the time of the applicant's graduation, by the Council on Rehabilitation Education (CORE) or its successor, shall submit to the Committee a Joint Services Transcript of his or her education for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to a CORE accredited program as required for licensure under N.J.A.C. 13:34-21.2(b). For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those education courses and/or training relevant to the practice of rehabilitation counseling that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3) The applicant complies with all other requirements for licensure as a professional counselor including successful completion of the Certified Rehabilitation Counselor examination administered by the Commission on Rehabilitation Counselor Certification as set forth in N.J.A.C. 13:34-21.4.

c) It is the applicant's responsibility to provide timely and complete evidence of the training, education, and experience gained in the military for review and consideration.

d) If the applicant's military training, education and experience, or a portion thereof, is not

deemed to be substantially equivalent to that required for licensure as a rehabilitation counselor, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:34-21.2(b) and 21.3 for the issuance of the license as a rehabilitation counselor.

- e) Satisfactory evidence of such training, education, and experience shall be assessed on a case-by-case basis.

SUBCHAPTER 22. (RESERVED)

SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION

13:34-23.1 SUPERVISOR QUALIFICATIONS; SUPERVISOR RESPONSIBILITIES

- a) A qualified supervisor, as defined in N.J.A.C. 13:34-21.1, shall meet the following requirements prior to supervising the provision of professional counseling services:
- 1) The individual shall have obtained 3,000 hours of work experience subsequent to holding a clinical license to provide mental health counseling services. The 3,000 hours shall have been obtained over a minimum of two years, but no more than six years; and
 - 2) The individual shall hold an approved clinical supervisor credential from the Center for Credentialing and Education of the National Board for Certified Counselors (NBCC) or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, if applicable.
- b) A qualified supervisor shall be responsible for creating a written supervision plan with the supervisee. The supervision plan shall outline the work setting, the supervisee's job description, including the nature of his or her duties and his or her qualifications and the supervisor's responsibilities and qualifications. Supervision may be provided through live observation or through the review of videotapes, audiotapes and/or self-reporting of sessions with clients, consistent with the requirements of (d) below.
- c) The written supervision plan shall be approved by the Committee prior to the performance of counseling by the supervisee.

- d) A qualified supervisor shall perform and document the following activities with the supervisee:
- 1) The supervisor shall perform at least one of the following activities with the supervisee:
 - i) Work as a co-counselor with the supervisee;
 - ii) Observe the supervisee's sessions with clients;
 - iii) View videotapes of the supervisee's session with clients; or
 - iv) Listen to audiotapes of the supervisee's session with clients.
 - 2) The supervisor shall perform at least one of the following activities with the supervisee:
 - i) React to case presentations given by the supervisee; or
 - ii) Conduct role-playing sessions with the supervisee.
 - 3) The supervisor shall perform all of the following activities:
 - i) Engage in problem-solving discussions with the supervisee concerning individual clients;
 - ii) Enter into problem-solving discussions concerning the supervisee's own problems that affect the supervisee's work with clients;
 - iii) Offer feedback to the supervisee concerning specific interventions utilized with clients;
 - iv) Offer feedback to the supervisee concerning the supervisee's personal qualities as they affect work with clients; and
 - v) Offer feedback to the supervisee concerning the supervision experience.
- e) A qualified supervisor shall maintain all documentation with respect to the supervision provided to supervisees for a minimum of three years. A qualified supervisor shall attest to compliance with the supervision requirements of this section by completing all forms provided by the Committee.

- f) A qualified supervisor shall not supervise more than a total of six mental health counselors at any one time.
- g) Prior to a supervisee's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by a supervisee under the supervision of a rehabilitation counselor or a physician practicing rehabilitation medicine. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner so that it will be easily readable, clearly understood, signed by the client, and retained as part of the client record.
- h) A qualified supervisor shall retain full professional responsibility for collecting fees from clients.
- i) A qualified supervisor shall be responsible for knowing the name and diagnosis of each client being treated by a supervisee. A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.
- j) A qualified supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a rehabilitation counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in this section and shall indicate the hours and dates during which the supervisee has been under supervision, the nature of the cases being assigned, and the proficiency rating earned by the supervisee.
- k) A qualified supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.
- l) A qualified supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, current employers, relatives of the supervisor, immediate relatives of current clients, current students or close friends.

13:34-23.2 RESPONSIBILITIES OF SUPERVISEE

- a) The supervisee shall maintain documentation of supervised experience for each 52-week period of supervised experience until the supervisee is licensed as a rehabilitation counselor.
- b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.

- c) A supervisee shall not engage in unsupervised or independent practice.
- d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.
- e) A supervisee shall not advertise professional services.

13:34-23.3 SUPERVISED REHABILITATION COUNSELING EXPERIENCE ACQUIRED PRIOR TO APPLICATION

- a) An applicant may be granted up to one calendar year of supervised rehabilitation counseling experience credit towards fulfillment of the supervised rehabilitation counseling experience requirements for licensure as a rehabilitation counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.
- b) An applicant may be granted supervised rehabilitation counseling experience credit towards the fulfillment of experience requirements for licensure as a rehabilitation counselor if the supervised experience occurred after the granting of the master's degree, in a rehabilitation counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as set forth in N.J.A.C. 13:34-21.1.
- c) An applicant may be granted credit towards the fulfillment of the supervised rehabilitation counseling experience requirement for licensure as a rehabilitation counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a rehabilitation counselor.
- d) An applicant may purchase the services of a permissible supervisor if the supervision occurs in a rehabilitation counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-23.1.

13:34-23.4 (RESERVED)

SUBCHAPTER 24. REHABILITATION COUNSELORS: CONTINUING EDUCATION

13:34-24.1 LICENSE RENEWAL AND CONTINUING EDUCATION REQUIREMENT

All licensed rehabilitation counselors shall complete 40 contact hours of continuing education for license renewal, except during the period of initial licensure as provided in N.J.A.C. 13:34-

24.2(a). The licensed rehabilitation counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to N.J.A.C. 13:34-24.1 and 24.2 during the biennial period preceding application for renewal.

13:34-24.2 CONTACT-HOUR REQUIREMENTS FOR LICENSED REHABILITATION COUNSELORS

- a) A rehabilitation counselor shall not be required to obtain continuing education contact hours required by N.J.A.C. 13:34-24.1 during the period of initial licensure prior to the rehabilitation counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-24.1 for all subsequent biennial renewal periods.
- b) A licensed rehabilitation counselor shall complete at least five of the 40 contact hours in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.
- c) A licensee shall complete at least three of the 40 contact hours of continuing education as required by N.J.A.C. 13:34-24.1 in the subject area of social and cultural competence. For the purposes of this subsection, social and cultural competence includes, but is not limited to, an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities including any of the following:
 - 1) Multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally;
 - 2) Attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities;
 - 3) Individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups;
 - 4) Counselors' roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, process of intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind, or body;
 - 5) Theories of multicultural counseling, theories of identity development and multicultural competencies; and

- 6) Ethical and legal considerations relating to issues of diversity.
- d) Beginning December 1, 2008, the three contact hours of continuing education in the subject area of social and cultural competence shall be completed every biennial period and shall be in addition to the required five contact hours of continuing education in ethics and legal standards as set forth in (b) above.
- e) If the licensed rehabilitation counselor earns more than 40 contact hours during a biennial period, the rehabilitation counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

13:34-24.3 APPROVAL OF COURSES OR PROGRAMS

- a) The following are acceptable sources of continuing education courses, programs and articles, as long as the courses, programs or articles fall within the content areas set forth in (c) or (d) below or are directly related to rehabilitation counseling:
 - 1) Courses or programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Orthopsychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; the United States Psychiatric Rehabilitation Association; the National Rehabilitation Association; the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; and the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists;
 - 2) Teaching or completing graduate coursework at a regionally accredited institution of higher education;
 - 3) Authoring a refereed article published in a professional journal within the preceding biennial period; and
 - 4) Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-24.3(a)1.
- b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the rehabilitation counselor shall first apply to and obtain approval from one of the listed organizations.

- c) The following are acceptable content areas for continuing education:
- 1) Counseling practices, theories and techniques;
 - 2) Personality theories;
 - 3) Psychosocial aspects of disability;
 - 4) Medical aspects of disability;
 - 5) Evaluation and assessment;
 - 6) Rehabilitation services and resources;
 - 7) Research methods;
 - 8) Practicums or internships; or
 - 9) Ethical and legal standards in the counseling profession.
- d) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three contact hour continuing education requirement shall be obtained consistent with (a) above or shall be subject to the approval of the Committee. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Board of Social Work Examiners, or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Committee.

13:34-24.4 CONTINUING EDUCATION CREDITS AND CONTACT-HOUR CALCULATION

- a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to rehabilitation counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.
- b) A rehabilitation counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-24.3 in order to receive continuing education credit. The Committee shall grant a rehabilitation counselor continuing education credit for each biennial renewal period as follows:

- 1) Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the rehabilitation counselor must complete for licensure as set forth in N.J.A.C. 13:34-21.2;
- 2) Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a rehabilitation counselor teaches. For the purposes of this subsection, "new" means a course that the rehabilitation counselor has not taught previously in any educational setting;
- 3) A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and
- 4) Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the rehabilitation counselor has not previously presented.

13:34-24.5 DOCUMENTATION OF CONTINUING EDUCATION CREDIT

- a) A rehabilitation counselor shall retain documentation of the continuing education hours which the rehabilitation counselor completes in order to verify program attendance or activity completion. Each rehabilitation counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of rehabilitation counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.
- b) A rehabilitation counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.
- c) A rehabilitation counselor shall verify continuing education activities by retaining the following:
 - 1) For publications, a copy of the published article;
 - 2) For course or program presentations, copies of the program, syllabus, outlines and bibliographies;

- 3) For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-24.4(b)2; and
 - 4) For graduate coursework, an official transcript.
- d) A rehabilitation counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the rehabilitation counselor continuing education credit.
 - e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.
 - f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of rehabilitation counseling in the State of New Jersey.

13:34-24.6 WAIVER OF CONTINUING EDUCATION REQUIREMENTS

- a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the rehabilitation counselor.
- b) A rehabilitation counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

SUBCHAPTER 25. (RESERVED)

SUBCHAPTER 26. REHABILITATION COUNSELORS: FEES

13:34-26.1 FEES

- a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of rehabilitation counselors:

- 1) Application fee \$75.00
 - 2) Initial license fee:
 - i) Rehabilitation counselor:
 - (1) During the first year of a biennial renewal period..... \$250.00
 - (2) During the second year of a biennial renewal period. \$125.00
 - 3) Biennial renewal:
 - i) Rehabilitation counselor..... \$250.00
 - 4) Late fee \$100.00
 - 5) Reinstatement Fee \$150.00
 - 6) Duplicate wall certificate \$40.00
 - 7) Change of address \$25.00
 - 8) Certification of licensure \$40.00
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**SUBCHAPTER 27.
REHABILITATION COUNSELORS: CLIENT RECORDS;
CONFIDENTIALITY**

13:34-27.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS

- a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.
- b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

- c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, which shall include:
- 1) The client name, address and telephone number;
 - 2) The client complaint on intake;
 - 3) Medical history recognized as of potential significance;
 - 4) Past and current medications;
 - 5) Significant social history;
 - 6) Findings on appropriate examination;
 - 7) Raw data and interpretation of tests, if administered;
 - 8) Current functional impairments and rating levels thereof;
 - 9) A diagnostic impression;
 - 10) Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
 - 11) Dates of all treatment, evaluation or consultation sessions;
 - 12) The location of treatment, evaluation or consultation;
 - 13) An evaluation of progress (if applicable);
 - 14) A prognosis;
 - 15) The client identity on each page;
 - 16) Fees charged and paid;
 - 17) The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);

- 18) If services are rendered by a supervisee, the written disclosure form signed by the client; and
 - 19) Information regarding referrals to other professionals.
- d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-23.2(b), and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.
 - e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.
 - f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.
 - g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.
 - h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.
 - i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-27.2 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE CLIENT RECORDS

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
 - 1) Contains an internal permanently activated date and time recordation for all entries;
 - 2) Automatically prepares a back-up copy of the file; and
 - 3) Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

- b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.
- c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.
- d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.
- e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000 print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the changeover of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

13:34-27.3 ACCESS TO COPY OF CLIENT RECORD

- a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payer with whom the client has a contract, which provides that the third-party payer be given access to records to assess a claim for monetary damages or reimbursement.
- b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) below and in N.J.A.C. 13:34-27.5.
- c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.
- d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

- e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.
- f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.
- g) A licensee may withhold information contained in the client record or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:
 - 1) The client's attorney;
 - 2) Another licensed health care professional; or
 - 3) The client's health insurance carrier.

13:34-27.4 ACCESS BY A MANAGED HEALTH CARE PLAN TO INFORMATION IN CLIENT RECORD

- a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.
- b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payer whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-27.5 CONFIDENTIALITY

- a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing rehabilitation counseling services for the client, except in the following circumstances:

- 1) Disclosure is required by Federal or State law or regulation;
 - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
 - 3) Disclosure is required by a court of competent jurisdiction pursuant to an order;
 - 4) The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
 - 5) The licensee is a party defendant to a civil, criminal or disciplinary action arising from the rehabilitation counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
 - 6) The client agrees in writing to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving rehabilitation counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law, persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.
- b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.
- c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.
- d) In the case of a client's death:
- 1) Confidentiality survives the client's death and a licensee shall preserve the confidentiality of information obtained from the client in the course of the licensee's teaching, practice or investigation;
 - 2) The disclosure of information in a deceased client's records is governed by the same provisions for living clients set forth in N.J.A.C. 13:34-27.3, 27.4 and 27.6; and
 - 3) A licensee shall retain a deceased client's record for at least seven years from the date of last entry, unless otherwise provided by law.

- e) A licensee may discuss the information obtained in clinical or consulting relationships or in evaluating data concerning children, students, employees and others, only for professional purposes and only with persons clearly connected with the case, as provided under applicable State and Federal laws and regulations.
- f) A licensee may reveal, in writing, lectures or other public forums, personal information obtained during the course of professional work only as follows:
 - 1) With prior consent of the clients or persons involved; or
 - 2) Where the identity of the client or person involved is adequately disguised.

13:34-27.6 MINORS

- a) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative, as defined at N.J.A.C. 13:34-27.3(a). When the client is more than 14 years of age, but has not yet reached the age of majority, the authorization shall be signed by the client and by the client's parent or legal guardian, pursuant to N.J.S.A. 45:14B-36(e).
- b) This section shall not require a licensee to release to a minor's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse or any other information that in the reasonable exercise of the licensee's professional judgment may adversely affect the minor's health or welfare.
- c) Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.
- d) The provisions at N.J.A.C. 13:34-27.3, 27.4 and 27.5, concerning access to client records, access by a managed health care plan to information in client records and confidentiality of records, shall apply to minors.

13:34-27.7 TRANSFER OR DISPOSAL OF RECORDS

- a) If a licensee ceases to engage in practice or it is anticipated that he or she will remain out-of-practice for more than three months, the licensee shall comply with the requirements concerning termination of services set forth at N.J.A.C. 13:34-30.5(c) and shall:
 - 1) Establish a procedure by which clients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another licensee or health care professional who is assuming responsibilities of the practice. However, a licensee shall not charge a

client for a copy of the records, when the records will be used for purposes of continuing treatment or care.

- 2) Make reasonable efforts to directly notify any client treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records; and
- 3) If a licensee is unable to notify all clients, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation.

SUBCHAPTER 28. REHABILITATION COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE

13:34-28.1 POSTING OF PRACTICE AUTHORIZATION AND NOTIFICATION OF AVAILABILITY OF FEE INFORMATION

- a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:
 - 1) Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public having a complaint relative to the practice conducted by a rehabilitation counselor shall notify the Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101, www.state.nj.us/lps/ca/medical/procounsel.htm, or the New Jersey Division of Consumer Affairs, PO Box 45027, 124 Halsey Street, Newark, New Jersey 07101, www.state.nj.us/lps/ca/comp.htm.
 - 2) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-28.2 NOTIFICATION OF CHANGE OF ADDRESS OR NAME; SERVICE OF PROCESS; DUTY TO NOTIFY

- a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.

- b) A licensee whose name has been legally changed shall forward to the Committee by certified mail, return receipt requested, no later than 30 days following the change of name, legal evidence of such change and copies of two forms of identification, one of which shall be an United States government-issued or State government-issued photo identification. Upon receipt of these items, the Committee shall issue to the licensee a new license. Upon receipt of the new license, the licensee shall immediately remit the original license to the Committee.
- c) Service of an administrative complaint or other documents front the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.
- d) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Committee in writing.

13:34-28.3 SEXUAL MISCONDUCT

- a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a rehabilitation counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of rehabilitation counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place environment, and the licensee knows, should know, or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act, or multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee, or research subject, whether or not such individual is in a subordinate position to the licensee.

- b) A licensee shall not seek, solicit or engage in sexual contact with a client with whom he or she has a current client-counselor relationship.
- c) In circumstances where a client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.
- d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.
- e) A licensee shall not accept as a client a current or former sexual partner.
- f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.
- g) A licensee shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is directly related to legitimate client needs and furthers the client's rehabilitation counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.
- h) A licensee shall not engage in any other activity in a rehabilitation counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.
- i) A licensee shall not seek, solicit or engage in sexual contact with a current client's immediate family member, a former client, a former client's immediate family member or a former student when counseling services were rendered to the client, former client or former student within the immediately preceding 24 months, or with a current student, a current direct supervisor or supervisee, or a current research subject. A licensee shall not seek, solicit, accept or participate in sexual contact with any person in exchange for professional services.
- j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- k) It shall not be a defense to any action under this section that:

- 1) The client, the client's immediate family member, former client, the former client's immediate family member, student, supervisor, supervisee or research subject solicited or consented to sexual contact with the licensee; or
- 2) The licensee was in love with or had affection for the client, the client's immediate family member, former client, the former client's immediate family member, student, supervisor, supervisee or research subject.

13:34-28.4 REAL ESTATE ARRANGEMENTS

- a) A licensee may be an owner, investor or lessor in real estate utilized for the conduct of a professional practice, provided that rent, dividends or any other forms of remuneration are received solely on the basis of the investment or fair market value, as applicable to the circumstances.
- b) A licensee may lease space to or from another licensed health care professional to which clients are referred only where rent is a fixed fee determined by the fair market value or less, and is for a regular term and not for sporadic use of the space.
- c) A licensee may lease professional space from a commercial entity on any arrangements consistent with standard business practice in the community, provided the arrangements do not affect the licensee's professional discretion in matters, including choice of clients, professional services offered or fees.
- d) The establishment of any lease, investment or other commercial relationship for the conduct of professional practice other than as set forth in this section shall require Committee approval for good cause shown.

13:34-28.5 LICENSE RENEWAL; ACTIVE/INACTIVE STATUS

- a) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24 month renewal period.
- b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.
- c) Every holder of a license issued or renewed by the Committee, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the

license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

- d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of rehabilitation counseling, even if no notice of suspension has been provided to the individual.
- e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in rehabilitation counseling within the State.
- f) A licensee who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Committee, the Committee permits the inactive licensee to return to active status. A licensee who seeks to return to active status shall submit the following:
 - 1) A completed renewal application;
 - 2) The renewal fee for the current biennial period set forth in N.J.A.C. 13:34-26.1;
 - 3) An affidavit of employment listing each job held during the period the licensee was inactive, including the name, address and telephone number of each employer; and
 - 4) Evidence that the licensee has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The continuing education hours shall be completed by the applicant within three years prior to the date of application for the return to active status.
- g) A licensee who returns to active status shall not use any continuing education credits completed pursuant to (f)4 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

13:34-28.6 REINSTATEMENT

- a) An applicant whose license has been suspended for failure to renew pursuant to N.J.A.C. 13:34-28.5 for a period of five years or less shall be reinstated by the Committee upon submission of the following:
 - 1) A completed reinstatement application;

- 2) A reinstatement fee and all past delinquent biennial renewal fees set forth in N.J.A.C. 13:34-26.1;
 - 3) An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer;
 - 4) Any outstanding penalties imposed by the Committee; and
 - 5) Evidence that the individual has maintained proficiency by completing the 40 contact hours of continuing education required for the renewal of an active license. The continuing education hours shall be completed by the applicant within three years prior to the date of application for reinstatement.
- b) An applicant whose license has been suspended for failure to renew pursuant to N.J.A.C. 13:34-28.5 for a period of more than five years shall be reinstated by the Committee upon successful completion of the licensing examination set forth in N.J.A.C. 13:34-21.4 within one year of the date of application and upon submission of the following:
- 1) A completed reinstatement application;
 - 2) Payment of the reinstatement fee and all past delinquent biennial renewal fees set forth in N.J.A.C. 13:34-26.1;
 - 3) An affidavit of employment listing each job held during the period the individual was suspended, including the name, address and telephone number of each employer; and
 - 4) Any outstanding penalties imposed by the Committee.
- c) A licensee who is reinstated shall not use any continuing education credits completed pursuant to (a)5 above toward satisfaction of the 40 contact hours of continuing education required for the renewal of the license at the end of the current biennial period.

SUBCHAPTER 29.
PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND
REHABILITATION COUNSELORS: ADVERTISING

13:34-29.1 DEFINITIONS

For the purposes of this subchapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

"Advertisement" means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase professional or rehabilitation counseling services, treatment, or goods related thereto.

"Electronic media" includes, radio, television, telephone, Internet and other electronic means of communication.

"Licensee" means a licensed professional counselor, a licensed associate counselor and a licensed rehabilitation counselor.

"Print media" includes business cards, newspapers, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, match covers, and other items disseminated by means of the printed word.

13:34-29.2 ADVERTISING; GENERAL REQUIREMENTS

- a) A licensee shall be able to substantiate the truthfulness of any representation set forth in an advertisement.
- b) A licensee identified in an advertisement as offering professional or rehabilitation counseling or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a licensee.
- c) A licensee shall assure that an advertisement does not misrepresent, suppress, omit, or conceal a material fact. Omission, suppression, or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

13:34-29.3 MINIMUM CONTENT

- a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:
 - 1) The name of the licensee;

- 2) The words "Licensed Professional Counselor" or "LPC," "Licensed Associate Counselor" or "LAC" or "Licensed Rehabilitation Counselor" or "LRC," as applicable, followed by the 12-digit license number; and
 - 3) The street address and telephone number of the practice location.
- b) For maintenance of personal or client safety, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request.

13:34-29.4 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS

- a) A licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.
- b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of professional, associate or rehabilitation counseling and shall refer only to degrees obtained from a regionally accredited academic institution.
- c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.
- d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-29.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:
- 1) The highest academic degrees earned from a regionally accredited institution relating to the practice of professional or rehabilitation counseling. A licensee shall not include any degree earned at an institution that is not regionally accredited;
 - 2) Professional specialty designations as defined in N.J.A.C. 13:34-4.1; and
 - 3) Other licenses or certifications issued by another State or Federal agency.
- e) Letters or abbreviations appearing immediately following the licensee's name shall appear in the following order only:
- 1) Highest academic degrees earned from a regionally accredited institution related to the practice of professional, associate or rehabilitation counseling;

- 2) Licensure designation;
 - 3) Professional specialty designation as defined in N.J.A.C. 13:34-14.1; and
 - 4) Certifications.
- f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of professional, associate or rehabilitation counseling.

13:34-29.5 PROHIBITED TYPES OR METHODS OF ADVERTISING

- a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of professional, associate or rehabilitation counseling.
- b) A licensee shall not communicate information that may identify a client without the written consent of the client.
- c) A licensee shall not offer a professional service which the counselor knows or should know is beyond his or her ability to perform.
- d) A licensee shall not advertise or communicate in a manner which appears to intimidate, exert undue pressure, or unduly influence a prospective client.

13:34-29.6 RETENTION OF ADVERTISEMENTS

A licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

SUBCHAPTER 30. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: BUSINESS PRACTICES; PROFESSIONAL CONDUCT

13:34-30.1 FINANCIAL ARRANGEMENTS WITH CLIENTS

- a) Fees shall be reasonable and commensurate with the status and experience of the professional, associate or rehabilitation counselor when compared with fees of professional,

associate or rehabilitation counselors offering like services or treatment in the geographic area.

- b) Where payment of the usual and customary fee would be a hardship, a professional or rehabilitation counselor shall refer the client to other sources for provision of services, reduce the usual and customary fee or provide the services without charge. A professional or rehabilitation counselor shall not accept goods and/or services from a client in lieu of payment for professional services.
- c) Before providing counseling services, a professional or rehabilitation counselor shall assist the client to understand financial arrangements. The information shall include, but not be limited to:
 - 1) The identity of the person or entity responsible for payment of the fee for services;
 - 2) The fee for services or the basis for determining the fee to be charged;
 - 3) Whether the professional or rehabilitation counselor will accept installment payments; and
 - 4) The financial consequences, if any, of missed appointments.
- d) The provisions of this section shall not apply to a counselor in an agency setting.

13:34-30.2 CLIENTS SERVED BY OTHERS

If a client is receiving counseling services from another mental health professional, the professional, associate or rehabilitation counselor, with the client's consent, shall inform the other mental health professional already involved and develop clear agreements to avoid confusion and conflict for the client.

13:34-30.3 MULTIPLE CLIENTS

When a professional, associate or rehabilitation counselor agrees to provide counseling services to two or more persons who have a relationship (such as husband and wife or parents and children), the professional, associate or rehabilitation counselor shall disclose in writing at the outset, which person or persons are clients and the nature of the relationships he or she will undertake with each involved person. The disclosure shall be retained in the client record. If it becomes apparent that the professional, associate or rehabilitation counselor may be called

upon to perform conflicting roles, the professional, associate or rehabilitation counselor shall take appropriate steps to eliminate the conflict.

13:34-30.4 CONFLICTS OF INTEREST; DUAL RELATIONSHIPS

- a) A professional, associate or rehabilitation counselor providing counseling services shall not provide those services in circumstances that would be expected to limit the counselor's objectivity and impair professional judgment or increase the risk of exploitation.
- b) A professional, associate or rehabilitation counselor providing counseling services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of business or financial relationships, students, supervisors, friends or relatives, supervision of friends and relatives and receipt of any goods and/or services from a client.
- c) A professional, associate or rehabilitation counselor who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

13:34-30.5 TERMINATION OF SERVICES

- a) A professional, associate or rehabilitation counselor shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.
- b) A professional, associate or rehabilitation counselor shall not abandon nor neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.
- c) A professional, associate or rehabilitation counselor who anticipates the termination or interruption of services to a client shall notify the client promptly in writing, shall comply with the requirements for transfer of records set forth at N.J.A.C. 13:34-18.7 or 27.7, as applicable and shall seek the transfer, referral or continuation of service in relation to the client's needs and preferences.
- d) Notifications sent to a client pursuant to this section shall be retained in the client record.

13:34-30.6 PROHIBITION ON SOLICITATION; UNETHICAL REFERRALS AND KICKBACKS

- a) A professional, associate or rehabilitation counselor who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a counselor from offering to the client all

appropriate options upon termination of services at the agency, including the continuation of services in private practice.

- b) A professional, associate or rehabilitation counselor shall not refer a client to a service in which the counselor or his or her immediate family has a financial interest.
- c) A professional, associate or rehabilitation counselor shall not prescribe goods or devices which the counselor sells or leases to the client unless the counselor advises the client of the ownership or other interest in the goods or devices.
- d) A professional, associate or rehabilitation counselor shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.
- e) A professional or rehabilitation counselor shall not permit the division of fees for professional services unless the counselor is engaged in a bona fide partnership or professional service corporation or employment relationship.

SUBCHAPTER 31. PROFESSIONAL COUNSELORS: CUSTODY/PARENTING TIME EVALUATIONS AND/OR TERMINATION OF PARENTAL RIGHTS EVALUATIONS

13:34-31.1 PURPOSE AND SCOPE

The rules in this subchapter set forth the minimum requirements for licensed professional counselors who perform custody/parenting time evaluations and/or termination of parental rights evaluations.

13:34-31.2 DEFINITIONS

As used in this subchapter, "licensee" means a licensed professional counselor.

13:34-31.3 QUALIFICATIONS

a) A licensee shall be qualified to perform custody/parenting time evaluations and/or termination of parental rights evaluations through education, training, and/or supervised experience in all of the following categories:

- 1) Child growth and development;
- 2) Parent-child bonding;
- 3) Scope of parenting;

- 4) Adult development and psychopathology;
 - 5) Family functioning;
 - 6) Child and family development;
 - 7) Child and family psychopathology;
 - 8) The impact of divorce or family dissolution on children; and
 - 9) The impact of age, gender, race, ethnicity, national origin, language, culture, religion, sexual orientation/identity, disability, and socioeconomic status on custody/parenting time evaluations.
- b) When the topics in (b)1 through 5 below are involved, a licensee shall have education, training, and/or supervised experience in the specific topic(s) or the licensee shall refer the case to a licensed health care provider, or obtain a consultation with an expert who has the relevant education, training, and/or experience:
- 1) Physical, sexual, or psychological abuse of spouse or children;
 - 2) Neglect of children;
 - 3) Substance abuse or other addictions that impair the ability to parent;
 - 4) Medical, physical, or neurological impairment that affects the ability to parent; or
 - 5) Other areas beyond the licensee's expertise that are relevant to the custody/parenting time evaluation.
- c) Licensed associate counselors, interns, and students shall not perform any part of custody/parenting time evaluations and/or termination of parental rights evaluations.
- d) A licensee shall maintain documentation that demonstrates the licensee's education, training or supervised experience in the topics from (a) and (b) above.
- e) A licensee shall maintain documentation of the referral or the consultation, if the licensee refers a case to a licensed health care provider, or consults with an expert, pursuant to (b) above.

13:34-31.4 DUAL RELATIONSHIPS

- a) If a licensee is, or has been, a treating therapist for any person who is part of the custody/parenting time evaluation and/or termination of parental rights evaluation, the treating therapist shall not assume either the role of an evaluator in the custody/parenting time evaluation and/or termination of parental rights evaluation, or the role of a parenting coordinator, and shall advise any party or court of this prohibition.

b) A licensee who is a treating therapist may report on a client's mental health status and treatment issues but shall not make any recommendations regarding custody or termination of parental rights.

c) After the evaluation process is completed, a licensee, whose initial involvement with a case has been as an evaluator, may agree to function subsequently as a treating therapist or parent coordinator, but shall be precluded from functioning as an evaluator in the case.

13:34-31.5 COMMUNICATIONS

a) If a licensee is court-appointed, the licensee shall communicate any information only to the court and both parties, or their attorneys, simultaneously, either in writing or through a conference call.

b) If a licensee is selected by both parties without a court appointment, the licensee shall communicate any information only to both parties, or their attorneys, simultaneously, either in writing or through a conference call.

c) If a licensee is selected by only one party, the licensee shall communicate any information only to that party, or the party's attorney.

13:34-31.6 REQUIRED DISCLOSURES

a) A licensee shall provide information, in writing, to the parties to assist them in understanding the nature of the custody/parenting time evaluation and/or termination of parental rights evaluation and the terms of their agreement to participate. This information shall include the following:

- 1) Purpose, procedures, and methods;
- 2) Fees;
- 3) Responsibility of parties for payment of the fees and whether payment will be required prior to the delivery of any report;
- 4) Limits of confidentiality, including the limitations set forth in 42 CFR Part 2, which is incorporated herein by reference;
- 5) Special policies pertaining to issues, such as canceled and/or missed appointments; and
- 6) Limitation on communications as set forth in N.J.A.C.13:34-31.5.

b) A licensee shall inform the parties about the purpose of any assessment instruments, interview techniques, and the use of any information collected. The licensee shall provide this information, as appropriate, to children, to the extent that they are able to understand.

13:34-31.7 FEES

a) Before commencing the custody/parenting time evaluation and/or termination of parental rights evaluation, a licensee shall inform the party or parties responsible for paying the fees, in writing, of the

estimated fees for all anticipated services and any additional fees, should the licensee be required, requested, or mandated to perform additional services.

b) A licensee shall provide the party or parties responsible for paying the fees with complete documentation of all fees, itemizing time, charges, and services.

c) A licensee may accept payment of fees by retainer or by a pre-arranged fee schedule.

1) If a partial retainer is accepted, a licensee shall inform the court, attorneys, and/or parties of the schedule for payment of the remainder and of any contingent relationship between complete payment and final delivery of services. A licensee shall inform the court, attorneys, and/or parties that payment in excess of the reasonable estimate is expected if delivery of services unforeseeably exceeds that anticipated. A licensee shall inform the court, attorneys, and/or parties that unused fees will be refunded as soon as possible upon completion of the professional services.

2) If payment by a fee schedule is accepted, a licensee shall provide a complete explanation of the expected per-visit payment or other scheduled costs.

d) A licensee may require payment for a report prior to its delivery provided that prior notification has been given to the parties under (a) above.

13:34-31.8 REPORTS AND RECOMMENDATIONS

a) A licensee's written report shall identify the party or parties on whose behalf the evaluation was prepared and list all individual(s) personally evaluated.

b) A licensee shall complete written reports in a timely manner. Delays of more than two months from when all data has been collected relevant to the custody/parenting time evaluation and/or termination of parental rights evaluation are considered excessive. In the event of extenuating circumstances, such as an inability to collect final documents from collateral contacts, the licensee shall provide the reasons for the delay, in writing, to the party to whom the report is due in accordance with (d), (e), and (f) below.

c) A licensee shall not provide any opinion regarding any individual who has not been personally evaluated by the licensee. A licensee may report what an evaluated individual has stated or address theoretical issues or hypothetical questions, provided the limited basis of the information is explained.

d) A licensee who is court-appointed shall submit the report only to the court and to both parties, or their attorneys, unless otherwise specified in a court order.

e) A licensee who is selected by both parties shall submit the report only to both parties, or their attorneys, unless otherwise specified in a consent order.

f) A licensee who is selected by only one party shall submit the report only to that party, or that party's attorney unless the party notifies the licensee in writing that the party does not want to receive the report.